

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2015-002694

02/08/2016

HONORABLE THEODORE CAMPAGNOLO

CLERK OF THE COURT

K. Rodriguez
Deputy

IN RE THE MARRIAGE OF
DOUGLAS PALMER

TIFANIE R MCMILLAN

AND

CARRIE PALMER

CARRIE PALMER
1874 E SCORPIO PL
CHANDLER AZ 85249

ATTORNEY'S FEES AWARD

The Evidentiary Hearing was conducted on October 2, 2015. The Court entered a Decree of Dissolution, which was dated November 6, 2015, 2015, in which it granted Respondent/Mother's request for attorney's fees. Respondent/Father filed an *Application and Affidavit for an Award of Attorney's Fees* on November 18, 2015. Mother filed a Response and Objection on December 14, 2015, alleging that Mother's Affidavit was too heavily redacted in places to provide sufficient basis for an award of attorney's fees. In reply thereto, on December 18, 2015, Mother's attorney filed an amended application that removed all of the redacted entries. Father filed a Motion to Strike the Amended Application on December 28, 2015, to which Mother filed a Response on January 15, 2016, and Father filed a Reply on January 22, 2016. The Court has since considered the evidence from the hearing, and the pleadings pertaining to the request for attorney's fees and considered the parties' arguments.

After significant deliberation, the Court makes the following findings and enters the following orders:

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THE COURT FINDS that Mother's Amended Application was not untimely or in violation of the Rules.

THE COURT FURTHER FINDS that Mother has requested an award of \$32,477.00, to which Father, subject to his Motion to Strike, objects and contends that the Court should discount \$22,497.96, before it begins its analysis of the remaining amount of Mother's request.

THE COURT FURTHER FINDS that the basis of the Court's granting of Mother's request was not based on unreasonable action by the parties, but on the substantial disparity in financial resources. The Court finds that the substantial disparity is not such that it would be fair and reasonable to award the full amount requested by Mother.

THE COURT FURTHER FINDS that the parties reached agreement on joint legal decision-making and parenting time. The Court further finds that the parties agreed that Mother was entitled to spousal maintenance, but the parties each had a good-faith basis for not agreeing on the amount of spousal maintenance. The Court further finds that the parties reached partial agreement on the division of property. Because the Court did not find the parties to have acted unreasonably, the Court finds that assessing attorney's fees for issues that were resolved is inappropriate, because it would appear that the Court is punishing a party for settling matters.

THE COURT FURTHER FINDS that a fair and reasonable amount of attorney's fees based on all the circumstances would be \$2,000.00.

IT IS ORDERED that Petitioner shall pay to Respondent and Respondent's attorney the amount of \$2,000.00 as interim attorney's fees, no later than **March 25, 2016**.

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, *Arizona Rules of Family Law Procedure*.

DATED the 9th day of February, 2016

/ s / HONORABLE THEODORE CAMPAGNOLO

JUDICIAL OFFICER OF THE SUPERIOR COURT

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All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.